

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

HB 1198 - SB 1088

March 28, 2011

SUMMARY OF BILL: Requires investigative counsel to recuse himself or herself from investigating a complaint filed against a sitting member of the Court of the Judiciary (COJ) or against a judge who was a member of the COJ at the same time present investigative counsel served as counsel for the court and to retain special counsel. Permits a qualified member of the investigative counsel's staff who does not have the same conflict to investigate the complaint.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$26,000

Assumptions:

- According to the disciplinary counsel for the COJ, there are approximately 26 complaints filed each year against sitting members of the Court. Assuming each complaint is preliminarily investigated, researched, and summarily dismissed, and that each summary dismissal will be appealed to the investigative panel of the COJ, as has become customary, special counsel will spend approximately four hours on each complaint assigned resulting in approximately 104 hours each year.
- An attorney of requisite experience and expertise will be compensated approximately \$250 per hour. The recurring increase to state expenditures for retaining special counsel to process complaints will be \$26,000 (\$250 x 104 hours).
- There are no judges who formerly served on the COJ while the current disciplinary counsel has served in this position.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in blue ink, reading "James W. White".

James W. White, Executive Director

/lsc